

AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 8, 2010

Committee of the Whole 7:30 P.M.
Stated Meeting 8:00 P.M.
City Council Chambers

TIME:_____

PRESENT: PRESIDENT OF THE COUNCIL
 CHUCK LESNICK

DISTRICT:

1	MAJORITY LEADER PATRICIA D. McDOW
5	MINORITY LEADER JOHN .M. MURTAGH

COUNCIL MEMBERS:
DISTRICT:

2	WILSON A. TERRERO
3	JOAN GRONOWSKI
4	DENNIS E. SHEPHERD
6	JOHN LARKIN

Recitation of the Pledge of Allegiance to the Flag followed by a minute of silence to invoke God's guidance and Blessing upon our deliberations.

Minutes of the stated meeting held on May 25, 2010 approved on motion of Majority Leader Patricia McDow.

AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 8, 2010

INDEX

OLD BUSINESS

<u>ITEM</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
1.	RES – HONORARY STREET RENAMING “BISHOP ERNEST HAIRSTON WAY”	8/9

NEW BUSINESS

2.	SPECIAL ORDINANCE – CON-ED (DEVOE AVE)	10
3.	SPECIAL ORDINANCE – CON-ED (POST ST)	11
4.	SPECIAL ORDINANCE – CON-ED (WESTERLY ST)	12
5.	SPECIAL ORDINANCE – CON-ED (MCLEAN AVE)	13
6.	SPECIAL ORDINANCE – CON-ED (RUGBY RD)	14
7.	SPECIAL ORDINANCE – CON-ED (SHONNARD PL)	15
8.	SPECIAL ORDINANCE – CON-ED (BELMONT PL)	16
9.	SPECIAL ORDINANCE – RIGHT OF WAY McLEAN AVENUE	17/18
10.	SPECIAL ORDINANCE – GRANT - NYS HOMELAND SECURITY (\$50,000.00) POLICE DEPT	19
11.	RES – AUTHORIZING MAYOR TO EXECUTE GRANT FROM NYS HOMELAND SECURITY (\$50,000.00)	20
12.	RES – SPECIAL USE PERMIT 380 SAW MILL RIVER	21/22
13.	RES – SPECIAL USE PERMIT 54-56 Warburton Avenue	23/24
14.	RES – SPECIAL USE PERMIT- PARKING 54-56 Warburton Avenue	25/27

AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 8, 2010

INDEX (CONTINUED)

<u>ITEM</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
15.	RES – SETTLEMENT – YARASHEVICH (\$1,000.00)	28
16.	RES – SETTLEMENT – FRIERE (\$2,411.94)	29
17.	RES – SETTLEMENT – CHIEFFA (\$4,000.00)	30
18.	RES – COMMISSIONER OF DEEDS	31
19.	RES – COMMUNITY DEVELOPMENT APPT. JULIUS WALLS	32

AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 8, 2010

COMMUNICATIONS FROM CITY OFFICIALS

1. A LETTER DATED MAY 26, 2010 TO COUNCIL PRESIDENT LESNICK, FROM THE PLANNING BUREAU RE: SPECIAL USE PERMIT LIVE WORK BUILDING KNOWN AS 54 AKA 56 WARBURTON AVENUE

2. FROM THE PLANNING BUREAU, DATED MAY 27, 2010 ISSUING NOTICE TO DETERMINE LEAD AGENCY PURSUANT TO THE REQUIREMENTS OF STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) RE: JFK & TREVOR PARK IMPROVEMENTS.
ON DESKS

AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 8, 2010

COMMUNICATIONS - GENERALLY

1. FROM THE TOWN BOARD OF THE TOWN OF GREENBURGH DATED JUNE 1, 2010 RE: A PUBLIC HEARING AT GREENBURGH TOWN HALL, 177 HILLSIDE AVENUE, GREENBURGH, NEW YORK, 10607 ON WEDNESDAY, JUNE 9, 2010 AT 8:30 PM IN REGARDS TO THE PROPERTY KNOWN AS 333 SAW MILL RIVER ROAD.
ON DESKS

AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 8, 2010

COMMITTEE OF THE WHOLE

AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 8, 2010

PUBLIC HEARING

PROPOSED RESOLUTION

A PUBLIC HEARING FOR THE CONSIDERATION OF ADDING THE HONORARY STREET RENAMING OF "BISHOP ERNEST HAIRSTON WAY" ON KENMORE STREET, BETWEEN POTOMAC AND DUNBAR STREETS;

AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 8, 2010

OLD BUSINESS

RESOLUTION

1. BY: COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, SHEPHERD AND LARKIN;

WHEREAS, the late BISHOP ERNEST HAIRSTON and his loving wife Lucille resided in Yonkers on Runyon Avenue for over 40 years where they raised their two children and grandchildren; and

WHEREAS, BISHOP ERNEST HAIRSTON graduated from Kimball High School in the mid-west, attended Aenon Bible Institute in Aenon, Ohio, received a BA from SUNY Purchase College and a Doctorate of Theology at Manhattan Bible Institute; and

WHEREAS, BISHOP HAIRSTON served at the Strait Gate Apostolic Church in Mamaroneck, NY under the leadership of the late Bishop Powell, thereafter being called to serve the Runyon Heights Community and the very fine people of The Kings Highway Apostolic Church as Pastor at 36 Kenmore Street in Yonkers for 38 years; and

WHEREAS, for 38 years not only did BISHOP HAIRSTON provide spiritual guidance for the Runyon Heights community his heart was filled with love and compassion opening his home to a host of congregational and neighborhood children along with orchestrating food drives for the needy and toy drives for the underprivileged children of Yonkers; and

WHEREAS, BISHOP HAIRSTON assisted many churches throughout our, City, State, and Nation in their infancy by donating chairs, organs, pews, lights, transportation and so much more; and

WHEREAS, it is with great sadness that the City Council recognizing the passing of BISHOP ERNEST HAIRSTON and know that his accomplishments in the City of Yonkers will greatly be remembered.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Yonkers hereby directs the City Clerk to set a public hearing date for the consideration of adding the honorary street naming of "BISHOP ERNEST HAIRSTON WAY" on Kenmore Street, between Potomac and Dunbar Streets; and

AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 8, 2010

RESOLUTION (CONTINUED)

BE IT FURTHER RESOLVED, that the City Council requests that the Administration have the Traffic Engineering Department make and affix signs at the appropriate street corners designating the honorary naming; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 8, 2010

NEW BUSINESS

SPECIAL ORDINANCE

2. BY: COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, SHEPHERD AND LARKIN;

A SPECIAL ORDINANCE GRANTING TO CON EDISON A PERMIT TO INSTALL A NEW CONDUIT AND RELATED SERVICES AT DEVOE AVENUE THE ESTIMATED DIMENSIONS ARE IN EXCESS OF 100 LINEAR FEET.

WHEREAS, Consolidated Edison, in a communication forwarded to the City Engineer, has made application pursuant to an ordinance adopted by the Board of Aldermen of the City of Yonkers on May 31, 1892, to excavate in excess of 100 linear feet and no more than 143 linear feet and to install a new conduit and related services at Devoe Avenue, Yonkers, N.Y. in accordance with Drawing Number Z09-6978-WCY; and

WHEREAS, the work being done by said company is the replacement of existing lines and it is therefore a Type II action under the New York State Environmental Quality Review Act; and

WHEREAS, the said company will required, prior to the commencement of the work, to insure the restoration of said streets in the same condition as said streets were in prior to said excavation and indemnifying and saving harmless the City of Yonkers against loss or losses, damages, action, or proceedings arising out of said excavation;

NOW, THEREFORE, the City of Yonkers, in City Council convened, hereby ordains and enacts:

Section 1. Permission is hereby given to Consolidated Edison, in accordance with the terms of an ordinance adopted by the Board of Aldermen of the City of Yonkers on May 31, 1892, to excavate in excess of 100 linear feet and no more than 143 linear feet to install a new conduit and related services at Devoe Avenue, Yonkers, N.Y.

Section 2. This ordinance shall take effect immediately.

AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 8, 2010

SPECIAL ORDINANCE

3. BY: COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, SHEPHERD AND LARKIN;

A SPECIAL ORDINANCE GRANTING TO CON EDISON A PERMIT TO INSTALL A NEW CONDUIT AND RELATED SERVICES AT POST STREET, THE ESTIMATED DIMENSIONS ARE IN EXCESS OF 100 LINEAR FEET.

WHEREAS, Consolidated Edison, in a communication forwarded to the City Engineer, has made application pursuant to an ordinance adopted by the Board of Aldermen of the City of Yonkers on May 31, 1892, to excavate in excess of 100 linear feet and no more than 115 linear feet and to install a new conduit and related services at Post Street, Yonkers, N.Y. in accordance with Drawing Number Z09-6991-WCY; and

WHEREAS, the work being done by said company is the replacement of existing lines and it is therefore a Type II action under the New York State Environmental Quality Review Act; and

WHEREAS, the said company will required, prior to the commencement of the work, to insure the restoration of said streets in the same condition as said streets were in prior to said excavation and indemnifying and saving harmless the City of Yonkers against loss or losses, damages, action, or proceedings arising out of said excavation;

NOW, THEREFORE, the City of Yonkers, in City Council convened, hereby ordains and enacts:

Section 1. Permission is hereby given to Consolidated Edison, in accordance with the terms of an ordinance adopted by the Board of Aldermen of the City of Yonkers on May 31, 1892, to excavate in excess of 100 linear feet and no more than 115 linear feet to install a new conduit and related services at Post Street, Yonkers, N.Y.

Section 2. This ordinance shall take effect immediately.

AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 8, 2010

SPECIAL ORDINANCE

4. BY: COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, SHEPHERD AND LARKIN;

A SPECIAL ORDINANCE GRANTING TO CON EDISON A PERMIT TO INSTALL A NEW CONDUIT AND RELATED SERVICES AT WESTERLY STREET, THE ESTIMATED DIMENSIONS ARE IN EXCESS OF 100 LINEAR FEET.

WHEREAS, Consolidated Edison, in a communication forwarded to the City Engineer, has made application pursuant to an ordinance adopted by the Board of Aldermen of the City of Yonkers on May 31, 1892, to excavate in excess of 100 linear feet and no more than 189 linear feet and to install a new conduit and related services at Westerly Street, Yonkers, N.Y. in accordance with Drawing Number Z09-6980-WCY; and

WHEREAS, the work being done by said company is the replacement of existing lines and it is therefore a Type II action under the New York State Environmental Quality Review Act; and

WHEREAS, the said company will required, prior to the commencement of the work, to insure the restoration of said streets in the same condition as said streets were in prior to said excavation and indemnifying and saving harmless the City of Yonkers against loss or losses, damages, action, or proceedings arising out of said excavation;

NOW, THEREFORE, the City of Yonkers, in City Council convened, hereby ordains and enacts:

Section 1. Permission is hereby given to Consolidated Edison, in accordance with the terms of an ordinance adopted by the Board of Aldermen of the City of Yonkers on May 31, 1892, to excavate in excess of 100 linear feet and no more than 189 linear feet to install a new conduit and related services at Westerly Street, Yonkers, N.Y.

Section 2. This ordinance shall take effect immediately.

AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 8, 2010

SPECIAL ORDINANCE

5. BY: COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, SHEPHERD AND LARKIN;

A SPECIAL ORDINANCE GRANTING TO CON EDISON A PERMIT TO INSTALL A NEW CONDUIT AND RELATED SERVICES AT MCLEAN AVENUE /LOUDOUN PLACE THE ESTIMATED DIMENSIONS ARE IN EXCESS OF 100 LINEAR FEET.

WHEREAS, Consolidated Edison, in a communication forwarded to the City Engineer, has made application pursuant to an ordinance adopted by the Board of Aldermen of the City of Yonkers on May 31, 1892, to excavate in excess of 100 linear feet and no more than 168 linear feet and to install a new conduit and related services at Mclean Avenue / Loudoun Place, Yonkers, N.Y. in accordance with Drawing Number Z09-06305-011; and

WHEREAS, the work being done by said company is the replacement of existing lines and it is therefore a Type II action under the New York State Environmental Quality Review Act; and

WHEREAS, the said company will required, prior to the commencement of the work, to insure the restoration of said streets in the same condition as said streets were in prior to said excavation and indemnifying and saving harmless the City of Yonkers against loss or losses, damages, action, or proceedings arising out of said excavation;

NOW, THEREFORE, the City of Yonkers, in City Council convened, hereby ordains and enacts:

Section 1. Permission is hereby given to Consolidated Edison, in accordance with the terms of an ordinance adopted by the Board of Aldermen of the City of Yonkers on May 31, 1892, to excavate in excess of 100 linear feet and no more than 168 linear feet to install a new conduit and related services at McLean Avenue / Loudoun Place, Yonkers, N.Y.

Section 2. This ordinance shall take effect immediately.

AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 8, 2010

SPECIAL ORDINANCE

6. BY: COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, SHEPHERD AND LARKIN;

A SPECIAL ORDINANCE GRANTING TO CON EDISON A PERMIT TO INSTALL A NEW CONDUIT AND RELATED SERVICES AT RUGBY ROAD, THE ESTIMATED DIMENSIONS ARE IN EXCESS OF 100 LINEAR FEET.

WHEREAS, Consolidated Edison, in a communication forwarded to the City Engineer, has made application pursuant to an ordinance adopted by the Board of Aldermen of the City of Yonkers on May 31, 1892, to excavate in excess of 100 linear feet and no more than 500 linear feet and to install a new conduit and related services at Rugby Road, Yonkers, N.Y. in accordance with Drawing Number G10-0048-WCY; and

WHEREAS, the work being done by said company is the replacement of existing lines and it is therefore a Type II action under the New York State Environmental Quality Review Act; and

WHEREAS, the said company will required, prior to the commencement of the work, to insure the restoration of said streets in the same condition as said streets were in prior to said excavation and indemnifying and saving harmless the City of Yonkers against loss or losses, damages, action, or proceedings arising out of said excavation;

NOW, THEREFORE, the City of Yonkers, in City Council convened, hereby ordains and enacts:

Section 1. Permission is hereby given to Consolidated Edison, in accordance with the terms of an ordinance adopted by the Board of Aldermen of the City of Yonkers on May 31, 1892, to excavate in excess of 100 linear feet and no more than 500 linear feet to install a new conduit and related services at Rugby Road, Yonkers, N.Y.

Section 2. This ordinance shall take effect immediately.

AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 8, 2010

SPECIAL ORDINANCE

7. BY: COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, SHEPHERD AND LARKIN;

A SPECIAL ORDINANCE GRANTING TO CON EDISON A PERMIT TO INSTALL A NEW CONDUIT AND RELATED SERVICES AT SHONNARD PLACE THE ESTIMATED DIMENSIONS ARE IN EXCESS OF 100 LINEAR FEET.

WHEREAS, Consolidated Edison, in a communication forwarded to the City Engineer, has made application pursuant to an ordinance adopted by the Board of Aldermen of the City of Yonkers on May 31, 1892, to excavate in excess of 100 linear feet and no more than 560 linear feet and to install a new conduit and related services at Shonnard Place, Yonkers, N.Y. in accordance with Drawing Number Z09-6985-03WCY; and

WHEREAS, the work being done by said company is the replacement of existing lines and it is therefore a Type II action under the New York State Environmental Quality Review Act; and

WHEREAS, the said company will required, prior to the commencement of the work, to insure the restoration of said streets in the same condition as said streets were in prior to said excavation and indemnifying and saving harmless the City of Yonkers against loss or losses, damages, action, or proceedings arising out of said excavation;

NOW, THEREFORE, the City of Yonkers, in City Council convened, hereby ordains and enacts:

Section 1. Permission is hereby given to Consolidated Edison, in accordance with the terms of an ordinance adopted by the Board of Aldermen of the City of Yonkers on May 31, 1892, to excavate in excess of 100 linear feet and no more than 560 linear feet to install a new conduit and related services at Shonnard Place, Yonkers, N.Y.

Section 2. This ordinance shall take effect immediately.

AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 8, 2010

SPECIAL ORDINANCE

8. BY: COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, SHEPHERD AND LARKIN;

A SPECIAL ORDINANCE GRANTING TO CON EDISON A PERMIT TO INSTALL A NEW CONDUIT AND RELATED SERVICES AT BELMONT PLACE, THE ESTIMATED DIMENSIONS ARE IN EXCESS OF 100 LINEAR FEET.

WHEREAS, Consolidated Edison, in a communication forwarded to the City Engineer, has made application pursuant to an ordinance adopted by the Board of Aldermen of the City of Yonkers on May 31, 1892, to excavate in excess of 100 linear feet and no more than 500 linear feet and to install a new conduit and related services at Belmont Place, Yonkers, N.Y. in accordance with Drawing Number P09-7322-2WCY; and

WHEREAS, the work being done by said company is the replacement of existing lines and it is therefore a Type II action under the New York State Environmental Quality Review Act; and

WHEREAS, the said company will required, prior to the commencement of the work, to insure the restoration of said streets in the same condition as said streets were in prior to said excavation and indemnifying and saving harmless the City of Yonkers against loss or losses, damages, action, or proceedings arising out of said excavation;

NOW, THEREFORE, the City of Yonkers, in City Council convened, hereby ordains and enacts:

Section 1. Permission is hereby given to Consolidated Edison, in accordance with the terms of an ordinance adopted by the Board of Aldermen of the City of Yonkers on May 31, 1892, to excavate in excess of 100 linear feet and no more than 500 linear feet to install a new conduit and related services at Belmont Place, Yonkers, N.Y.

Section 2. This ordinance shall take effect immediately.

AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 8, 2010

SPECIAL ORDINANCE

9. BY: COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, SHEPHERD AND LARKIN;

A SPECIAL ORDINANCE AUTHORIZING AN ENCROACHMENT IN THE RIGHT-OF-WAY ON MCLEAN AVENUE SUBJECT TO CERTAIN TERMS AND CONDITIONS.

The City of Yonkers, in City Council convened, hereby ordained and enacts:

Section 1. Permission is hereby granted to 931 McLean Avenue Sunoco Station, by Kheevvee Enterprises, Inc., as owner of 931 Mclean Avenue, Yonkers, New York, being designated as Section 6, Block 6237, Lot 1 on the Official City of Yonkers Tax Map (the "Property"), to construct and maintain an encroachment (install planters) upon the City right-of-way located on McLean Avenue in accordance with and as shown on a survey to be approved by the City Engineer and the Director of the Bureau of Housing and Buildings.

Section 2. This permission is granted subject to the following terms and conditions, to wit:

(a) That the entire cost and expense of obtaining and thereafter maintaining the encroachment on McLean Avenue shall be paid by its successors and/or assigns without expense to or contribution by the City of Yonkers; furthermore in consideration for said encroachment the owner agrees to pay the City of Yonkers \$700 per annum , payable upon approval of this ordinance and there after every January 1, for as long as this encroachment shall remain in force.

(b) That neither the approval of the above-referred survey by the appropriate city official, nor the placement of any improvements by the owner of 931 McLean Avenue upon said encroachment, shall be deemed a waiver or in any way affect the right of the City of Yonkers to provide for construction or otherwise improve its right-of-way; provided further that the City of Yonkers reserves the right to assess the property benefited in like manner and in like effect as if approval had not been given by the City of Yonkers. That the granting of this permission shall in no way free or release said owner or any successors or assigns from the payment of any assessment hereafter imposed;

AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 8, 2010

SPECIAL ORDINANCE (CONTINUED)

- (c) That no permanent improvements will be allowed in the encroachment area;
- (d) That the owner, its successors and/or assigns, shall secure all necessary permits and consents and shall secure and maintain a property damage and public liability insurance policy naming the City of Yonkers as insured, or as an additional named insured in the amount and form satisfactory to the City Engineer and the Corporation Counsel of the City of Yonkers and provide the City with evidence thereof within thirty (30) days of approval of this encroachment;
- (e) The City of Yonkers reserves the right to revoke or terminate this permission for whatever reason, upon thirty (30) days written notice to the owner, whenever it may deem such revocation necessary; Upon revocation or termination of this permission, the owner, her successors or assigns shall immediately remove any improvement placed within said encroachment at the express direction of the City and at the owners cost and expense;
- (f) That the owner, its successors and/or assigns shall, for the duration of the encroachment, save harmless and indemnify the City of Yonkers for any and all claims, actions, suits, judgments arising out of or related to this encroachment, etc., including all costs associated with the defense thereof;

Section 3. This ordinance shall take effect immediately.

AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 8, 2010

SPECIAL ORDINANCE

10. BY: COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, SHEPHERD AND LARKIN;

A SPECIAL ORDINANCE AMENDING THE CITY OF YONKERS GRANT BUDGET FOR FISCAL YEAR 2009/2010.

The City of Yonkers hereby ordains and enacts:

Section 1: The City's Grant Budget for fiscal year 2009/2010 is hereby amended by increasing revenues and appropriations for the Police Department for a grant from N.Y.S. Homeland Security Office, for purpose of Explosive Detection Canine Team.

Increase Estimated Revenues

NYS Homeland Security	049-G16-3071-3436	\$50,000
-----------------------	-------------------	----------

Increase Appropriation

Police – Special Projects	049-G16-3071-0496	\$50,000
---------------------------	-------------------	----------

Section 2: The unencumbered balance of such appropriation equals or exceeds the estimated expenditures the City requires for such purpose during the remainder of the budget year.

Section 3: This ordinance shall take effect immediately.

AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 8, 2010

RESOLUTION

11. BY: COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, SHEPHERD AND LARKIN;

WHEREAS, the New York State Office of Homeland Security has selected the City of Yonkers to receive a \$50,000 grant to acquire a new canine team dedicated to the detection of explosives and the supplies necessary for the training and care of canines and the canine team plus the purchase of a dedicated canine CBRNE response vehicle; and

WHEREAS, in order to receive the grant funds, the City of Yonkers must execute an agreement with the State of New York entitled "2009 Explosive Detection Canine Team" Grant WM09154099 and file it with the New York State Office of Homeland Security, and no matching funds are required in order to receive this grant; and

WHEREAS, the Mayor of the City of Yonkers, or his designee, is hereby authorized to execute such grant agreement with the aforementioned New York State Office of Homeland Security, in order to provide such funds to the Police Department of the City of Yonkers; and

NOW, THEREFORE BE IT RESOLVED, that the Mayor of the City of Yonkers, or his designee, is hereby authorized to execute the grant agreement with the New York State Office of Homeland Security to receive the \$50,000 grant for the canine team dedicated to the detection of explosives and for the supplies necessary for the training and care of canines and canine teams and the purchase of a dedicated canine CBRNE vehicle, with no matching funds paid by the City of Yonkers; and be it further;

RESOLVED, that this resolution shall take effect immediately.

AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 8, 2010

RESOLUTION

12. BY: COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, SHEPHERD AND LARKIN;

RESOLUTION TO APPROVE THE SPECIAL USE PERMIT FOR PLANNED NEIGHBORHOOD COMMERCIAL DEVELOPMENT KNOWN AS 380 SAW MILL RIVER ROAD, BLOCK 2365, LOTS 1, 3, 6, 7, AND 12 PURSUANT TO ARTICLE IX AND ARTICLE VII OF CHAPTER 43 OF THE YONKERS CITY CODE.

WHEREAS, the owner of the property located at 380 Saw Mill River Road, more properly known as Block 2365, Lots 1, 3, 6, 7 and 12 on the Tax Assessment Map of the City of Yonkers has submitted an application seeking review and approval of a Site Plan as well as the review and granting of a Special Use Permit for a Planned Neighborhood Commercial Development at the aforementioned site; and

WHEREAS, the Planning Board on December 9, 2009 and May 19, 2010 after due consideration and in accordance with Article VII and Article IX of the Zoning Code of the City of Yonkers, approved the Site Plan and granted the Special Use Permit; and

WHEREAS, pursuant to Chapter 43, Section 43-55 of the Code of the City of Yonkers, the Planning Board's decision to grant the Special Use Permit was referred to the City Council for review and approval, denial or approval with modification; and

WHEREAS, after due consideration and pursuant to Section 43-55 of the Zoning Code, it is in the best interest of the City to approve the entirety of the Planning Board's decision and amended decision to grant the Special Use Permit with a modification that limits the location of the employee parking as follows:

The Employees of the proposed retail component of the project are required to park on the nearby commercial streets or at the Yonkers Parking Authority lot designated by the Planning Board.

AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 8, 2010

RESOLUTION (CONTINUED)

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Yonkers, in a meeting assembled and pursuant to Section 43-55 of the Zoning Code, hereby approves the decision and the amended decision of the Planning Board to grant the Special Use Permit for a Planned Neighborhood Commercial Development.; located at 380 Saw Mill River Road, more properly known as Block 2365, Lots 1, 3, 6, 7 and 12 on the Tax Assessment Map of the City of Yonkers with a modification that limits the location of the employee parking as follows:

The Employees of the proposed retail component of the project are required to park on the nearby commercial streets or at the Yonkers Parking Authority lot designated by the Planning Board.

AND BE IT FURTHER RESOLVED, that this Resolution, with the above mentioned modification, shall take effect immediately.

AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 8, 2010

RESOLUTION

13. BY: COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, SHEPHERD AND LARKIN;

RESOLUTION TO APPROVE THE SPECIAL USE PERMIT FOR A LIVE-WORK BUILDING KNOWN AS 54 AKA 56 Warburton Avenue, Block 2017, Lots 3, 5, 6, 7, 8, AND 20-24 PURSUANT TO ARTICLE VII OF CHAPTER 43 OF THE YONKERS CITY CODE.

WHEREAS, the owner of the property located at 54 AKA 56 Warburton Avenue, more properly known as Block 2017, Lots 3,5,6,7,8, and 20 - 24 on the Tax Assessment Map of the City of Yonkers has submitted an application seeking review and approval of a Site Plan and the review and granting of a Special Use Permit for a Live-Work Building at the aforementioned site; and

WHEREAS, on May 19, 2010, after due consideration and in accordance with Article VII and Article IX of the Code of the City of Yonkers, the Planning Board approved the Site Plan and granted the Special Use Permit; and

WHEREAS, pursuant to Chapter 43, Section 43-55 of the Code of the City of Yonkers, the Planning Board's decision to grant the Special Use Permit was referred to the City Council for review and approval; and

WHEREAS, after due consideration, it is in the best interest of the City to approve the Planning Board's decision to grant the Special Use Permit.

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Yonkers, in meeting assembled, hereby approves the Planning Board's decision to grant the Special Use Permit for a Live Work Building located at 54 AKA 56 Warburton Avenue, more properly known as Block 2017, Lots 3,5,7,8 and 20-24 on the Tax Assessment Map of the City of Yonkers; and be it further

AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 8, 2010

RESOLUTION (CONTINUED)

RESOLVED, that this Resolution shall take effect immediately.

AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 8, 2010

RESOLUTION

14. BY: COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, SHEPHERD AND LARKIN;

RESOLUTION TO APPROVE THE DECISION OF THE YONKERS PLANNING BOARD TO GRANT A SPECIAL USE PERMIT TO PROVIDE FOR ALTERNATE METHOD OF PARKING AND TO ACCEPT A CASH PAYMENT TO THE CITY OF YONKERS PARKING RESERVE FUND FOR A FEE IN LIEU OF PARKING FOR A PROPOSED LIVE-WORK BUILDING KNOWN AS 54 AKA 56 Warburton Avenue, Block 2017, Lots 3, 5, 6, 7, 8, AND 20-24 PURSUANT TO RELEVANT SECTIONS OF CHAPTER 43 OF THE YONKERS CITY CODE.

WHEREAS, the owner of the property located at 54 AKA 56 Warburton Avenue, more properly known as Block 2017, Lots 3, 5, 6, 7, 8 and 20-24 on the Tax Assessment Map of the City of Yonkers has submitted an application for Site Plan Review and a Special Use Permit for a Live-Work building at the aforementioned site to the Planning Board which was approved by the Planning Board in accordance with Article VII, §43-78 (C) and Article IX of the Zoning Code of the City of Yonkers; and

WHEREAS, the proposed development of the Live-Work building is intended to help revitalize and improve the overall character and vitality of the Warburton Avenue corridor, to make traffic and parking improvements, to encourage orderly development, and to improve the physical appearance and function of the area while encouraging public and private investment that is consistent with the sustainability goals and aspirations of the community; and

WHEREAS, the applicant is seeking the approval of a special use permit for an alternate method of providing parking with the payment of a one time fee in lieu of parking in accordance with §43-132 of the Zoning Code; this request is submitted to this Council after having been reviewed, considered and approved by the Planning Board; and

WHEREAS, the proposed Live-Work building is located adjacent to the core urban area of the City where adequate public transportation exists, including access to the Bee Line bus system and the Metro North Commuter Railroad; and

AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 8, 2010

RESOLUTION (CONTINUED)

WHEREAS, the proposed project includes 105 dwelling units of affordable live-work rental apartments, to be developed in two phases; Phase I will include the development of 95 new units and Phase II, located in the Philipse Manor Historic District, will restore the existing buildings to include 10 residential units and maintain the approximate 10,000 square feet of on-site retail space; and

WHEREAS, the project will provide one parking space per dwelling unit, or 105 spaces, consistent with the Zoning Code, with seven of those spaces on site and the remaining 98 spaces constructed in a proposed public parking facility to be erected on the western side of Warburton Avenue, directly across from the project; and

WHEREAS, the City Council's approval of the fee in lieu of parking, and the construction of the proposed public parking facility, will contribute to the orderly development of the area of Warburton Avenue and allow for the development of the specific live-work site; and

WHEREAS, pursuant to Section 43-132 of the Zoning Code, the Planning Board has set the fee in lieu of parking to be not less than \$25,000 and not more than \$30,000 per parking space, which is in line with expected costs for the construction of structured parking in Yonkers; and

WHEREAS, the City Council of the City of Yonkers, after due consideration of the records of the Planning Board, and other factors such as the proximity of access to the Metro North Commuter Railroad, and the additional off-street parking offered by the proposed public parking facility, finds that approving, subject to the conditions set forth below, the granting of the Special Use Permit for the alternative method of providing parking by accepting a fee in lieu of parking for the proposed Live-Work building is in the best interest of the City of Yonkers.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Yonkers, in meeting assembled, that the Planning Board's approval of the proposed Special Use Permit for alternate methods of providing parking by accepting the payment of a fee in lieu of parking for Block 2017, Lots 3, 5, 6, 7, 8, and 20-24 on the Tax Assessment Map of the City of Yonkers, on the property known as 54 AKA 56 Warburton Avenue, Yonkers, New York, is hereby approved and granted, subject to the conditions set forth below; and be it further

AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 8, 2010

RESOLUTION (CONTINUED)

RESOLVED, that, notwithstanding Sections 43-132(B)(1) and 43-133(A)(2) of the Zoning Code, this approval and the acceptance of the fee in lieu of parking is expressly conditioned upon the construction of the proposed public parking facility to be erected on the western side of Warburton Avenue directly across from the proposed Live-Work building and; be it further

RESOLVED, that the Mayor, or his designee, is hereby authorized to enter into an agreement, subject to the approval of the Corporation Counsel, setting forth and memorializing the obligations pertaining to and required by this approval; and be it further

RESOLVED, that all of the conclusions, findings and conditions of the May 19, 2010, Planning Board Resolution regarding the proposed payment fee in lieu of parking which are referred to herein are hereby referenced to and made a part hereof; and be it further

RESOLVED, that this Resolution shall take effect immediately.

AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 8, 2010

RESOLUTION

15. BY: COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, SHEPHERD AND LARKIN;

RESOLVED, by the City Council of the City of Yonkers, in meeting assembled:

That the settlement by the Corporation Counsel in the amount of ONE THOUSAND DOLLARS AND NO CENTS (\$1,000.00) of the action entitled, "Yury Yarashevich, plaintiff against THE CITY OF YONKERS, Defendant", for property damage arising out of an alleged accident alleging that on December 21, 2009, plaintiff's vehicle was rear ended by a City vehicle on Main St. and North Broadway Yonkers, be and the same hereby is approved and the Comptroller of the City of Yonkers is directed to draw his warrant in the amount of ONE THOUSAND DOLLARS AND NO CENTS (\$1,000.00) in favor of said plaintiff.

AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 8, 2010

RESOLUTION

16. BY: COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, SHEPHERD AND LARKIN;

RESOLVED, by the City Council of the City of Yonkers, in meeting assembled:

That the settlement by the Corporation Counsel in the amount TWO THOUSAND FOUR HUNDRED ELEVEN AND 94/100 Dollars (\$2,411.94) of the action entitled, "Government Employees Insurance Company a/s/o Caroline Freire, plaintiffs, against City of Yonkers, Defendant," for property damage arising out of an alleged incident when a City of Yonkers truck hit a legally parked car on 34 Ball Avenue, Yonkers, New York. Be and the same hereby is approved and the Comptroller of the City of Yonkers is directed to draw his warrant in the amount TWO THOUSAND FOUR HUNDRED ELEVEN AND 94/100 Dollars (\$2,411.94) of in favor of said plaintiffs.

AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 8, 2010

RESOLUTION

17. BY: COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, SHEPHERD AND LARKIN;

RESOLVED, by the City Council of the City of Yonkers, in meeting assembled:

That the settlement by the Corporation Counsel in the amount of FOUR THOUSAND DOLLARS (\$4,000.00) of the action entitled, "CHARLOTTE CHIEFFA, (residing at 186 Westminister Drive, Yonkers, New York) plaintiff against THE CITY OF YONKERS, Defendant", for property damage arising out of an alleged incident where a tree fell on the plaintiff's home, be and the same hereby is approved and the Comptroller of the City of Yonkers is directed to draw his warrant in the amount of FOUR THOUSAND DOLLARS (\$4,000.00) in favor of said plaintiff and her attorney Andrew J. Spinell, Esq. (286 Madison Avenue, New York, New York 10017)

AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 8, 2010

RESOLUTION

18. BY: COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW,
MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO,
GRONOWSKI, SHEPHERD AND LARKIN;

BE IT RESOLVED, that the following applicant(s) are hereby
appointed and/or reappointed to the office of Commissioner of Deeds for a
period of two years to expire on July 31, 2012.

Debbie Vazquez
720 Kimaball Avenue 720
Yonkers, New York 10704

Retired

NEW

AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 8, 2010

RESOLUTION

19. BY: COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, SHEPHERD AND LARKIN;

BE IT RESOLVED that the Yonkers City Council hereby gives It's advice and consent to the appointment of Julius Walls, to the Board of the Yonkers Community Development Agency, for a four year term commencing on January 1, 2010, and expiring on December 31, 2013.

AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 8, 2010

COMMITTEE REPORTS